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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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02/08/2001

Edlis Ofir

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PEARL COHEN ZEDEK LATZER, LLP  
1500 BROADWAY, 12TH FLOOR  
NEW YORK, NY 10036

EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT

PAPER NUMBER

2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/778,818

Applicant(s)

OFIR ET AL.

Examiner

Qutub Ghulamali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is responsive to the Remarks filed by the applicant on 11/30/2006.

### *Response to Arguments*

2. Applicant's Remarks filed 11/30/2006, with respect to rejection of claims 1-8, 10-19, (pages 7-9) have been fully considered but they are not persuasive.

The applicant alleges that Gollnick refers to teaching the processing of barcode scan data and not the claimed processing of received wireless communication signals as recited in claims 1, 10 and 15.

The Examiner's response: The examiner carefully reviewed applicant's remarks in light of Gollnick's teachings and offers the following response:

The applicant's argument that Gollnick refers to teaching the processing of barcode scan data and not the claimed processing of received wireless communication signals, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F. 2d 1443, 24 USPQ 2d 1443 (Fed. Cir. 1992). In this case, with transceiver units 54, 1303, figs. 3, 13, the base transceiver units 52A, 52B, and 52C illustrated in fig. 3 are communicative with mobile transceiver units by electromagnetic radio means, wherein the mobile transceiver units

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may be associated with bar code scanning devices that perform processing operations at different clock rates receiving signals through an antenna and a number of base RF transceiver units 52A, 52B and 53B, each of which may be selectively employed in the radio frequency communication of data from mobile transceiver units. It is to be understood that base transceiver units 52 are designed and equipped to be operable in the exchange of data with network controller 40 over network link 56 such that each base transceiver unit 52A, 52B, or 53C may independently exchange data with network controller 40 through first communication port 48. Gollnick clearly discloses the limitations of the claims as referred to with the rejection in previous office action. Based on the teachings in Gollnick, the examiner concludes that the limitations of claims 1, 10 and 15 are adequately addressed.

As per applicant's remarks, with reference to dependent claims 2-8, 11-14 and 16-19, the rejection of these claims is based on the base claim they represent and therefore, they are likewise rejected. The examiner also points out that the suggestion to combine may be found in explicit or implicit teachings within the references themselves, from the ordinary knowledge of those skilled in the art, or from the nature of the problem to be solved. See *id.* at 1357, 47 USPQ 2d at 1458. Moreover, as long as some motivation or suggestion to combine the references is provided by the prior art taken as a whole, the law does not require that the references be combined for the reasons contemplated by the inventor. See *In re Dillon*, 919 F.2d 688, 693, 16 USPQ 2d 1897, 1901 (Fed. Cir. 1990) (en banc), cert. Denied, 500 U.S. 904 (1991) and *In re Beattie*, 974 F.2d 1309, 1312, 24 USPQ 2d 1040, 1042 (Fed. Cir. 1992).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-8, 10-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gollnick et al (USP 5,940,771).

Regarding claim 1, Gollnick, discloses a method comprising:

a Radio Frequency module (fig. 13, element 1303) with an incoming antenna (element 1302) performing processing operations at a first clock rate (slow clock rate and a fast clock rate is disclosed) during at least part of a first time period in which signals are received and stored by Radio Frequency module (abstract; col. 24; lines 23-36; col. 28, lines 45-60); and

performing background processing (the receiver is activated in synchrony with the transmissions of pending message indications from at least one of the base stations, otherwise the transceiver (radio frequency module) is deactivated or put in sleep mode, the terminal sleeps through pluralities of transmissions operates at a lower frequency when in listen mode) of at least a portion of said received signals at a second, faster clock rate during at least part of a second time period in which said Radio Frequency module is de-activated (abstract; col. 24, lines 10-19, 23-55; col. 34, lines 39-45; col. 54, lines 23-34).

As per claims 10 and 15, claims 10 and 15 are corresponding system apparatus claims and are similarly analyzed as method claim 1 above.

Regarding claim 2, Gollnick discloses process operation comprise processing spread spectrum signals (col. 30, lines 19-22).

As per claim 3, Gollnick discloses show use of CDMA processing of signals in wireless communication system (col. 13, lines 44-51).

Regarding claim 6, Gollnick discloses receiving a carrier during at least part of said second time period (col. 32, lines 3-19).

Regarding claim 7, Gollnick discloses receiving signal at least one wake period of a slotted mode (col. 34, lines 30-45, 53-63).

As per claim 8, Gollnick discloses reducing the power consumed during said at least one wake period after receiving said received signals (sleep mode involves powering down to conserve power after wakeup period) (col. 34, lines 30-38).

Regarding claims 11 and 16, Gollnick discloses a memory device adapted for storing therein said portion of received signals, and said processor comprises a digital processing unit, wherein said memory device is adapted to input said portion of received signals to said digital processing unit (figs. 3, 4, elements 40, 70; col. 9, lines 50-67; col. 10, lines 1-20, 28-31).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gollnick et al (USP 5,940,771) in view of Challa et al (US Patent 6,453,181).

As to claim 4, Gollnick, discloses all limitations of the claim except does not explicitly disclose performing at least one of synchronizing pseudorandom noise (PN) offset of said received signals, searching for at least one neighboring communications cell and searching for at least one candidate communications cell. Challa in a similar field of endeavor discloses performing at least one of synchronizing pseudorandom noise (PN) offset of said received signals, searching for at least one neighboring communications cell and searching for at least one candidate communications cell (col. 3, lines 7-10; col. 4, lines 46-59; col. 9, lines 17-25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use synchronizing pseudorandom noise (PN) offset of said received signals, searching for at least one neighboring communications cell as taught by Challa in the system of Gollnick because the use of synchronization cell search can reliably track the elapsed time even during the wake or sleep cycle.

As per claim 5, Gollnick discloses all limitations of the claim above except, does not explicitly disclose detecting a current pseudorandom noise (PN) offset of said received signals, and, if different from a previous PN offset, shifting to the current PN offset. Challa in a similar field of endeavor further discloses detecting a current pseudorandom noise (PN) offset in said received signals, and, if different from a

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previous PN offset, shifting to the current PN offset (col. 2, lines 37-46). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use pseudorandom noise (PN) offset in said received signals, and, if different from a previous PN offset, shifting to the current PN offset taught by Challa in the system of Gollnick because the use offset in communication of signals can allow precise time correlation of signals and increases timing accuracy.

7. Claims 12 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gollnick et al (USP 5,940,771) in view Sih et al (US Patent 6,608,858).

Regarding claims 12 and 17, Gollnick discloses appropriate memory registers for storing said portion of received signals, Gollnick, however, does not explicitly disclose a rake and search engine, wherein said memory device is adapted to input portion of received signals to said rake receiver and search engine. Sih in a similar field of endeavor discloses a rake receiver and searcher engine (searchers), adapted to input portion of received signals to said rake receiver and search engine (searchers) (col. 3, lines 1-14; col. 4, lines 45-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use rake receiver with searchers for inputting portion of received signals from memory as taught by Sih in the system of Gollnick so as to improve frequency tracking loop and reduce timing errors (col. 11, lines 27-29).



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8. Claims 13, 14, 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gollnick et al (USP 5,940,771) in view Watts, Jr. et al (US Patent 6,173,409).

As per claims 13, 14, 18 and 19, Gollnick discloses all limitations of the claims except does not explicitly disclose a sampling unit adapted to receive portion of received signals and to input portion of received signals to memory device. Watts in a similar field of endeavor discloses a sampling unit adapted (performs sampling in real time) to receive portion of received signals and to input portion of received signals to memory device (abstract; col. 3, lines 35-43; col. 3, lines 41-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a sampling unit adapted to receive portion of received signals and to input portion of received signals to memory device as taught by Watts in the system of Gollnick because it can accomplish in real time performance level adjustments of the computer to manage power thereby reducing power consumption.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,677,928 to Rizzo et al.

US Patent 6,263,448 to Tsern et al.

US Patent 6,453,181 to Challa et al.

US Patent 6,091,703 to Saunders et al.

US Patent 5,960,039 to Martin et al.

US Pub. 2003/0189947 to Beshai.

US Pub. 2003/0076816 to Naranjo et al.

US Patent 6,269,043 to Batchner.

US Patent 5,142,684 to Perry et al.

US Patent (5,896,561) to Schrader et al.

US Pub. (2001/0053174) to Fleming et al.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QG.  
February 06, 2007.

  
MOHAMMED GHAYOUR  
SUPERVISORY PATENT EXAMINER